



MINUTES

Ardsley Village Board of Trustees

8:00 PM - Monday, March 4, 2024

507 Ashford Avenue & Zoom Platform

Present:	Mayor	Nancy Kaboolian
	Trustee	Andy Di Justo
	Trustee	Barry McGoey
	Village Manager	Joseph L. Cerretani
	Village Clerk	Ann Marie Rocco
	Village Attorney	David E. Venditti

Present	Deputy Mayor/Trustee	Steve Edelstein
Via	Trustee	Sheila Narayanan
Zoom:		

1. 7:00 P.M. EXECUTIVE SESSION-LEGAL ADVICE

1.1 Adjournment -Board of Trustees Regular Meeting

Moved by Trustee DiJusto, Seconded by Trustee McGoey and passed unanimously.

RESOLVED, that the Village Board of the Village of Ardsley Hereby adjourns Executive Session to enter into Board of Trustees Regular Meeting at 8:09 p.m.

Carried by the following votes: 3-0-0

Ayes: Mayor Kaboolian, Trustee DiJusto & Trustee McGoey

Nays: None

Abstained: None

2. CALL TO ORDER-PLEDGE OF ALLEGICANCE-ROLL CALL

- 2.1 The Regular Meeting of the Village of Ardsley Board of Trustees was held on Monday, March 18, 2024 at Village Hall, Court Facility, 507 Ashford Avenue, Ardsley, NY 10502. Mayor Kaboolian called to order the Regular Meeting at 8:10 p.m.

Members Present:

Mayor Nancy Kaboolian

Trustee Andy DiJusto

Trustee Barry McGoey

Deputy Mayor/Trustee Steve Edelstein present via Zoom

Trustee Sheila Narayanan present via Zoom

Also present were: Village Manager, Joseph L. Cerretani, Interim Village Attorney, David E. Venditti and Village Clerk, Ann Marie Rocco.

3. CONTINUATION OF PUBLIC HEARING In the Matter of the Proposed Development Located at 657 Saw Mill River Road in the Village of Ardsley

- 3.1 Mayor Kaboolian opened the Public Hearing at 8:11 p.m. in the matter of the Proposed Development Located at 657 Saw Mill River Road in the Village of Ardsley.
- Diana Bunin Kolev Esq. from Law Firm from Del Bello, Donnellan, Weingarten Wise & Wiederkehr, LLP. feels that they are at the point that public hearing should be closed since all comments have been addressed along with the consultants comments. Results have shown that there is no significant environmental impacts and a negative declaration under SEQRA would be appropriate.
 - Rick Bohlander reviewed the architectural changes with Board.
 - Mayor Kaboolian understands that the applicant would like to close the public hearing tonight but she feels like the applicant has not come back to Board with any compromises regarding the design and size of this building. Closing the public hearing this evening would also a trigger a 60 day period for site plan approval.
 - Adam Moussa explained that, they are willing to adapt to design changes but reminded the Board that there is an investment behind this. Mr. Moussa will come back with a redesign of the building at the next meeting.
 - Planning Consultant, Dave Smith agreed with the Board's approach with

making adjustments to the scale of the building and feels what they have outlined sounds reasonable.

- Building Inspector, Larry Tomasso stated that most of the delays on this project were self imposed and the Village did not holding up the process in this case.
- Diana Bunin Kolev Esq. from Law Firm from Del Bello, Donnellan, Weingarten Wise & Wiederkehr, LLP suggested that 657 Saw Mill River Rd. be discussed at the Board's Work Session on March 25th.
- Mayor Kaboolian explained they will go over the EAF and any new designs that are submitted from the applicant at the next Work Session on March 25th. and continue the Public Hearing to April 1st.
- Trustee Edelstein stated that the Board would like to see something more attractive with the new designs they will be submitting.
- Jodie Reaver, Ardsley resident questioned the number of pumps at this gas station and that the Planning Board referenced a law increasing the pump size was not legal. Ms. Reaver also supports the alternate idea of an Islamic Center over a gas station.
- Building Inspector, Larry Tomasso explained that the Planning Board is not empowered to make that determination.
- Mayor Kaboolian stated that the plan is to have three pumps six nozzles.
- Mayor Kaboolian stated that the plan going forward is to continue discussions and new plan designs on this project at our next Work Session on March 25th and the Public Hearing will continue on April 1st at 8:00 pm. All members of the Board were in agreement with this.

3.2 Continue Public Hearing

Moved by Trustee DiJusto, Seconded by Trustee McGoey and passed unanimously.

RESOLVED, that the Public Hearing be continued to the April 1, 2024 Board of Trustees Regular meeting at 8:00 p.m. or soon thereafter in the matter of the Proposed Development Located at 657 Saw Mill River Road in the Village of Ardsley at 9:13 p.m.

Carried by the following votes: 3-0-0

Ayes: Mayor Kaboolian, Trustee DiJusto & Trustee McGoey

Nays: None
Abstained: None

4. APPROVAL OF MINUTES:

4.1 February 20, 2024 Board of Trustees Regular Meeting Minutes

Moved by Trustee DiJusto, Seconded by Trustee McGoey and passed unanimously.

RESOLVED, that the Village Board of the Village of Ardsley hereby approves the minutes of the Regular Meeting of Tuesday, February 20, 2024 as submitted.

Carried by the following votes: 3-0-0
Ayes: Mayor Kabolian, Trustee DiJusto & Trustee McGoey
Nays: None
Abstained: None

4.2 February 26, 2024 Board of Trustees Special Meeting Minutes

Moved by Trustee DiJusto, Seconded by Trustee McGoey and passed unanimously.

RESOLVED, that the Village Board of the Village of Ardsley hereby approves the minutes of the Special Meeting of Monday, February 26, 2024 as submitted.

Carried by the following votes: 3-0-0
Ayes: Mayor Kaboolian, Trustee DiJusto & Trustee McGoey
Nays: None
Abstained: None

5. DEPARTMENT REPORTS

1. LEGAL

- 1.a Interim Village Attorney, David Venditti had nothing to report and is working on various matters with staff and is available for Executive Session if needed.

2. MANAGER

- 2.a Village Manager, Joseph L. Cerretani read the following report:

1. GRANT UPDATES: The Village of Ardsley has received a \$135,000 Smart Growth Community Planning and Zoning Grant Award from the New York State

Department of State under the 2023-2024 Environmental Protection Fund. With these funds, the Village will update its zoning code to fully implement its Comprehensive Plan and area focused 'Downtown Ardsley Revitalization Implementation Strategy'. Copies of the Village's Comprehensive Plan and Downtown Ardsley Revitalization Implementation Strategy are available on the Village's website www.ardsleyvillage.com and at Village Hall.

The Village of Ardsley is also proud to announce that a grant has been awarded to the Village in the amount of \$59,384 provided by the New York State Environmental Protection Fund, NYSDEC Hudson River Estuary Program to conduct a Natural Resource Inventory.

A Natural Resource Inventory (NRI) is a systematic and comprehensive assessment of the natural resources within a particular geographic area. The purpose of an NRI is to gather information about the quantity, quality, distribution, and condition of various natural resources, including land, water, air, flora, and fauna. The goal is to provide a baseline understanding of the natural assets in a given area, which can be used for sustainable resource management, conservation, and land-use planning. By compiling and analyzing this information, decision-makers in the Village can make informed decisions about land use planning, resource conservation, and sustainable development. Natural Resource Inventories are valuable tools for balancing human needs with the preservation and responsible management of ecosystems.

Special thanks to Lorraine Kuhn, a dedicated member of the team that spent many hours in the preparation of the grant application.

I am anticipating on an additional update I can present at the next Board meeting regarding additional grant funding for which the Village has applied.

2. DPW PROJECT UPDATE: As mentioned during my last update, the new, permanent transformer has been on site and is being installed. The electrical contractors are in the final stages of the installation and we're working with ConEdison to schedule the final inspections for electrical and gas that will bring the facility online. We're hoping to accomplish this over the coming weeks. This will allow us to get the heat working, which will then allow the other services such as water to come on line. The finishing work will be on hold at this time until the electrical and heat are operational in the facility. Due to the delay, we're now anticipating completion later next month.

3. 2024-2025 BUDGET: The budget process is entering its final stages. I have met with all Village departments and gone through operational and capital items with the department heads. The Tentative Budget will be delivered to the Board later this month and will be posted on the Village website www.ardsleyvillage.com.

3. ABSTRACT REPORT

- 3.a Village Manager, Joseph Cerretani read the March 4, 2024 Abstract Report as follows:
From the General Fund:\$85,915.35 from the Trust & Agency Fund:\$2,285.00 and
from the Capital Fund: \$79,796.80 Sewer Fund: \$6,340.20.

Moved by Trustee McGoey, Seconded by Trustee DiJusto and passed unanimously.

RESOLVED, that the Village Board of the Village of Ardsley hereby authorizes the Village Treasurer to make the following payments: From the General Fund: \$85,915.35 from the Trust & Agency Fund:\$2,285.00 from the Capital Fund:\$79,796.80 and Sewer Fund:\$6,340.20

Carried by the following votes: 3-0-0

Ayes: Mayor Kaboolian, Trustee DiJusto & Trustee McGoey

Nays: None

Abstained: None

4. MAYOR'S ANNOUNCEMENTS

- 4.a
- Mayor Kaboolian spoke about the tour of the Saw Mill River with New York State and how a comprehensive plan is much needed.

5. COMMITTEE & BOARD REPORTS

- 5.a
- Trustee DiJusto did not have anything to report.
 - Trustee McGoey did not have anything to report.
 - Trustee Narayanan did not have anything to report.
 - Trustee Edelstein announced the following
 - Ramadan & Eid Celebration will take place on Friday, March 8th @ 6:00 pm.
 - Ardsley Spring Gardening Festival will take place on Sunday, March 10th at noontime.

6. OLD BUSINESS:

7. NEW BUSINESS:

- 7.1 Consider a Resolution to Award Bid for a New 2023 F550 4x4 Reg Chassis Xl 169”
Wb Chasis Cab 7.3l Devct Na Pfiv8 Engine 10 Speed Auto Torqshift

Moved by Trustee DiJusto, Seconded by Trustee McGoey and passed unanimously.

WHEREAS, a public notice to purchase a new 2023 F550 4x4 Reg Chassis XL 169” Wb Chasis Cab 7.3l Devct Na Pfiv8 Engine 10 Speed Auto Torqshift for the Highway Department was duly advertised in an official newspaper on February 2, 2024 and;

WHEREAS, on February 23, 2024 at 10:00 a.m. at Ardsley Village Hall 507 Ashford Avenue, Ardsley, NY 10502 the Village Clerk in the presence of the Village Manager opened one (1) bid as summarized below:

**2023 F550 4X4 REG CHASSIS XL 169” WB CHASIS CAB 7.3L DEVCT NA PFIV8
ENGINE 10 SPEED AUTO TORQSHIFT BID NO. 24-01**

<u>Bidder</u>	<u>Bid Price</u>
Healey Brothers/Healey Ford Lincoln, LLC.	\$91,252,50

BE IT RESOLVED, that the Village Board of the Village of Ardsley hereby awards the base bid for the Village to Healy Brothers/Healy Ford Lincoln, LLC. in the amount of \$91,252.50; and

BE IT FURTHER RESOLVED, the Village Board of the Village of Ardsley hereby authorizes the Village Manager to execute a contract and all other applicable documents with Healy Brothers/Healy Ford Lincoln, LLC. 2528 Route 17M, PO Box 859, Goshen, NY 10924 to purchase the 2023 F550 4x4 reg chassis XL for the Highway Department.

Carried by the following votes: 3-0-0

Ayes: Mayor Kaboolian, Trustee DiJusto, & Trustee McGoey

Nays: None

Abstained: None

8. CORRESPONDENCE

- 8.1 Ardsley Resident, Jodie Reaver submitted the following comments via email on March 4th, 2024 re: 657 Saw Mill River Road proposed development:

Good evening,

I asked questions during tonight’s board meeting about pump numbers and whether there was any discussion at the beginning of the meeting about this topic. During my question I referenced the Planning Board minutes where the law was cited as a reason to hold the gas station applicants to the prior size of two islands with four pumps. There seemed to be confusion about whether or not this was stated during Planning Board minutes. I referenced comments I’d read during a prior board meeting, and for clarification am once again providing references from the Planning Board Minutes.

- May 9, 2022 - The Chair reiterated that applicant is entitled to two islands and four pumps, and no more, under common law.
- October 12, 2022 - The Chair reiterated that it is well established law that one may not increase a non-conforming use

In addition, during the same meeting, I asked the Village Board specifically about comments noted during the September 2022 Planning Board meeting that stated:

- The Chair emphasized that a gas station is a non-conforming use and that without Village approval, one may not increase the intensity of a non-conforming use.

When I asked the Village Board about approval to increase the size it was noted that none had been provided. In addition, the Village Board consistently noted the request for a reduction in pump numbers and referenced this as an example of non-compliance from the applicants.

Hearing Mr. Tomasso's clarifications tonight was helpful, but truthfully his comments seem inconsistent with what the Village Board has stated in the past. I'm left scratching my head wondering why clarification about the pump numbers could not have been provided sooner - both for the applicant and residents.

My request is clarity from an independent legal source regarding pump numbers. I used the term "flip side" tonight as I do believe that the applicants' lawyers have a vested interest in presenting an opinion, and finding case law, that supports their reading of the law. Is there another side/reading to the case law?

Mayor Kaboolian noted traffic and the applicants' study on two vs. three pumps, and that an additional pump, and dispensers, will allow for better traffic flow (not sure if those were the exact words). Another view is that there are three more gas stations in Ardsley and so if someone sees the pumps are full they might keep driving instead of waiting in line to access this gas station. Again, the applicant has a vested interest in their argument, has there been an independent analysis of this argument they are providing?

In closing, I appreciate efforts to make the gas station more attractive, hopefully it works. In my opinion, a reduction in pump numbers is as important as the reduction in building size and the attractiveness of the building. It reduces the overall footprint of the space, and also decreases opportunities for contamination such as there has been in the past.

Respectfully,
Jodie Reaver

9. VISITORS

10. CALL FOR EXECUTIVE SESSION

11. ADJOURNMENT OF MEETING

11.1 Adjournment

Moved by Trustee McGoey, Seconded by Trustee DiJusto and passed unanimously.

RESOLVED, that the Village Board of the Village of Ardsley Hereby adjourns the regular meeting of Monday, March 4, 2024 at 9:23 p.m.

Carried by the following votes: 3-0-0

Ayes: Mayor Kaboolian, Trustee DiJusto & Trustee McGoey

Nays: None

Abstained: None

12. UPCOMING EVENTS

- March 6th Senior Citizen Group Event-Balancing Your Body 12:00 pm
- March 7th Books & Banter @ Ardsley Public Library 7:00 pm
- March 8th Ramadan & Eid Celebration! @ Legion Park & Community Center 6:00 pm
- March 9th Barbie's Birthday Party @ Ardsley Public Library 2:00 pm
- March 10th Ramadan
- March 10th Ardsley Spring Gardening Festival @ Community Center 12:00 pm
- March 12th Collaging with Clara! @ Ardsley Public Library 10:15 am
- March 12th Dangers of Pesticides 6:00 pm
- March 13th Senior Citizen Event-St. Patrick's Day Luncheon 12:00 pm
- March 16th Invasive Vine Taming & Trash Pickup 12:00 pm
- March 20th Senior Citizen Event-Saw Mill Tavern Luncheon 12:00 pm
- March 22nd World Water Day
- March 27th Senior Citizen Event-Ardsley Police Fraud & Scam Prevention Presentation 12:00 pm
- March 28th Asian Movie Series-Hero @ Ardsley Public Library 5:30 pm
- March 29th Good Friday ALL VILLAGE OFFICES CLOSED
- March 30th Ardsley Easter Egg Hunt! 1:00 pm
- March 30th Teen Manga Club @ Ardsley Public Library 1:00 pm
- March 31st Easter Sunday

13. UPCOMING MEETINGS

- March 5th Board of Architectural Review Meeting 8:00 pm
- March 5th Ardsley Pollinator Pathway Meeting 8:30 pm
- March 10th AMDI Meeting 8:00 pm

- March 11th Planning Board Meeting 8:00 pm
- March 19th Board of Architectural Review Meeting 8:00 pm
- March 21st Library Board Meeting 7:30 pm
- March 27th Zoning Board Meeting 8:00 pm

14. NEXT BOARD MEETING:

- Board of Trustees Regular Meeting March 18th 8:00 pm
- Board of Trustees Work Session March 25th 7:30 pm

Village Clerk, Ann Marie Rocco

Date: